REMARKS

Claims 11-14, 18-20, 22-24 and 26-27 have been rejected under 35 USC 102(b)as anticipated Main. The rejection is respectfully traversed.

The invention generally relates to recognizing reductions in service capacity in a communications network. A communication connection management device 2 stores information related to the functional properties and topological arrangement of network elements relevant to provision of a service. The information is assigned to a respective service and stored in a network element database 3. Upon establishment or modification of a service, a message is transmitted from the service providing device 1 to the error monitoring device 4 with an instruction to monitor the availability of network elements which are specified as relevant to provision of the respective service. A message 25 is then transmitted to the service quality monitoring device 5 with an instruction to monitor the quality of the service. The error monitoring deice 4 and service quality monitoring device 5 compare error messages 27 and measured values 28 recorded in subnetworks 6, 7, 8, such that error messages and measured values are forwarded to the error monitoring device or service quality monitoring device via a network control system assigned to the respective subnetwork., where inadmissible deviations are stored in network element database 3. When an inadmissible deviation occurs, a message 29, 30 about a reduction in service capacity is generated by the error monitoring device or service quality monitoring device. Significantly, the comparison is available immediately after recording and information about reductions in service capacity can be derived efficiently since the assignment to the service in each case is already available in the service quality or error monitoring device.

Main is related to a system and method for monitoring the performance of selected data processing jobs by comparing actual performance against the service level agreement (SLA) to which each monitored job belongs. When a job that is part of an SLA causes a delay, the automated SLA monitor (ASM) notifies the user of any problem with a selected SLA job, identifies the SLA critical path and determines the impact on the SLA of dependent jobs. The ASM reports these impacts to the user by automatically notifying the user if the SLA is in danger of not being met. However, Applicants respectfully submit that Main fails to disclose at least the following features:

- Assigning the Information to the Service

The Examiner cites the abstract and col. 5, ln. 59 – col. 6, ln. 4 of Main as disclosing storage of information relating to functional properties and topological arrangement of network elements relevant to the provision of a service in a network element database, and assigning the information the service. While this section of Main discloses five databases that store various information (e.g. exception data, prior run data, etc.), there is simply no disclosure that this information is assigned to a service, as required by the claimed invention. Rather, the data is stored for comparison at a later time, and at best relates to a job to be executed.

- Establishment and/or Modification of the Service

The Examiner then cites col. 2, lns. 38-42 of Main as disclosing "on establishment and/or modification of the service" without providing any context. That is, assuming *arguendo* that this section indeed discloses "on establishment and/or modification of the service," as suggested by the Examiner, it fails to do so in the context of the entire sentence to which it relates, namely, the storing of information and assigning of information to the service, as required by the claimed invention. In the claimed invention, the storage of information and assigning of information to the service occurs on establishment and/or modification of the service. The passage in col. 2 cited by the Examiner in not related to the storage of information and assignment of information (cited in col. 5, ln. 59 – col. 6, ln. 4). In any event, Applicants fail to understand how the "performance of jobs in previous executions are recorded and stored to determine average run time" is considered an establishment and/or modification of a service. Indeed, as stated, this relates to performance, recordation and storage, not establishment and modification.

Since the recited method is not disclosed by the applied prior art, claims 11-14, 18-20, 22-24 and 26-27 are patentable.

Claims 15-17, 21, 25 and 28-30 have been rejected under 35 USC 103(a) as unpatentable over Main in view of Bowman-Amuah. The rejection is respectfully traversed for at least the same reasons presented in the arguments above, and since Bowman-Amuah also fails to disclose the claimed limitations.

Claim 31 has been added. No new matter has been added. Paragraph [0011], for example, supports this newly added claim.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 119010-087.

Respectfully submitted,

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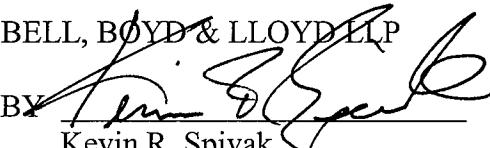
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